

REMARKS/ARGUMENTS

These remarks are made in response to the Office Action of May 5, 2008 (Office Action). As this response is timely filed within the 3-month shortened statutory period, no fee is believed due. However, the Examiner is expressly authorized to charge any deficiencies to Deposit Account No. 50-0951.

In the Office Action, Claims 1, 2, 11, 12, 21, and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,067,525 to Johnson (hereinafter Johnson) in view of U.S. Published Patent Application 2002/0077998 to Andrews (hereinafter Andrews), and in further view of U.S. Published Patent Application 2002/0026356 to Bergh (hereinafter Bergh). Claims 3, 4, 13, and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Johnson, Andrews, and Bergh, in further view of U.S. Patent 5,299,260 to Shaio (hereinafter Shaio). Claims 5 and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Johnson, Andrews, Bergh, and Shaio, in further view of Examiner's Official Notice. Claims 6-10, 16-20, and 22-24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Johnson, Andrews, and Bergh, in further view of Examiner's Official Notice.

Additionally, Claims 1, 11, and 21 were objected to due to informalities. Claims 4 and 14 were rejected under 35 U.S.C. § 112, second paragraph. Claims 5 and 15 were rejected under 35 U.S.C. § 112, second paragraph.

Claim Amendments

In response to the objections set forth in the Office Action (see p. 3), Applicant has amended independent Claims 1, 11, and 21. The last limitation referred to in the Office Action has been removed, and the specific limitation of assigning a lead, already received, has been added. Specifically, the limitation recites that the lead is assigned to a first recipient that accesses the link. Applicant also has amended Claim 22 to correctly recite the claim from which it depends. Applicant thanks the Examiner for pointing out the objections and the need for clarification.

Applicant also has amended Claims 4, 5, 14, and 15 to address the issues raised under 35 U.S.C. § 112, second paragraph. Claims 4 and 14 have been amended solely for the sake of clarifying the features claimed by reciting the feature of determining and assigning a rank. Claims 5 and 15 have been amended to avoid any ambiguous reference to factors by explicitly reciting that the determination can be based upon one or more of the following: a location of the recipient in relation to a potential customer; a product mix sold by the recipient; a number of leads the recipient has received previously; a diligence of the recipient; a percentage of previous leads that resulted in a sale; and a percentage of previous sales that included additional items.

In view of the amendments, Applicant respectfully requests the withdrawal of the rejections under 35 U.S.C. § 112, second paragraph.

The claim amendments are fully supported throughout the Specification. (See, e.g., Specification, paragraph [0021], lines 4-8, and paragraph [0026], lines 4-16; see also paragraphs [0026] and [0027], generally.) No new matter has been introduced by the claim amendments.

The Claims Define Over The Cited References

Claims 1, 11, and 21

As already noted, independent Claims 1, 11, and 21 were each rejected as being unpatentable over Johnson in view of Andrews, and further in view of Bergh. Applicant respectfully submits, however, that the references, alone and in combination, fail to teach or suggest every feature recited in Claims 1, 11, and 21.

Assigning lead to first recipient to access link

For example, none of the references teaches or suggests a system or method for assigning a lead to the first recipient, among an already-determined plurality of

recipients, who accesses a link that has been inserted into a received email. It is expressly noted in the Office Action that neither Johnson nor Andrews disclose this feature. (Office Action, p. 5.) It is stated, however, that the feature is found in Bergh. Specifically, it is stated that Bergh's offer broker "encompasses" a "first-come-first-serve concept only with greater flexibility."

A full reading of the cited portion of Bergh, however, reveals that Bergh is directed to allocating "channel capacity" and that the limitation pertaining to who is sent what type information in Bergh has nothing to do with determining a first-to-access winner. Rather, Bergh is directed to achieving "tight integration" of hardware aspects of a system with limited resources (e.g., channel capacity). The complete portion of Bergh explicitly provides:

Offer broker 610 handles allocation of channel capacity among offers to different customers. An example of a limited capacity channel is a call center that has a particular capacity to make outbound telephone calls, for example 100 calls per hour. Offer broker 610 limits the number of offers it sends to that channel based on that limit. Email servers similarly have limits on the number of offers that they can send, or limits on the number of emails that can be sent to a particular classes of customers (such as customers using a particular online service). Channels may have capacity limits that are based on cost. For example, the system may be configure to only allow a particular number of direct mailings based on the cost of those mailings. Indirect channels may also have capacity limits that are managed by offer broker 610. For instance, each agent 144, such as a personal financial planner or an insurance agent, may have a limit on the number of offers that they can handle each day. Indirect channels that make use of automated systems may present limits to offer broker 610 based on their internal configuration. For instance, a lead management system can assemble the limits of its individual users for offer broker 610. Offer broker 610 may also send offers to particular users of a lead management system, and limit the number and type of offers sent to those users based on the configuration of the lead management system, thereby achieving a tight integration of the offer management system and the lead management system. (Bergh, paragraph [0077].) (Emphasis supplied.)

As the quoted language makes explicit, Bergh looks at limits on the basis of system resources and capacity; that is, Bergh's limitations are based on hardware constraints. To whatever extent Bergh can be read as allocating limited system resources, the allocation has no time component and, more fundamentally, is not based on any first-come-first-serve criterion, but rather on the described system and capacity constraints. This has nothing to do with responding on a first-come-first-serve basis, let alone with determining to allocate a lead to the first entity to act relative to other entities. First come, first serve implies that agents that act more promptly than others are treated differently. Bergh explicitly looks at system and internal configurations without considering when, in a variable time sense relative to others, an entity responds. In Bergh, a system whose internal configuration is in some respect limiting, does not overcome the limitation by responding more promptly than another system competing in some manner.

The same point can be made even more explicit by considering whether Bergh can produce the result achieved by the features recited in Claims 1, 11, and 21. Bergh can not. Assume that Bergh's offer broker allocates two or more channels or systems, again based on some hardware configuration as described explicitly in the reference. No winner can be determined, because the two or more systems have access regardless of any time element. Alternatively, assume the offer broker allocates only one channel. No winner can be determined; system configuration alone determines the allocation, and only one system receives an allocation. No other system can become a winner by being more rapid in requesting an allocation. Thus, no arrangement of Bergh's offer broker or its limiting operation can determine a winner by allocating a lead to the first entity to respond by accessing a link in an email.

It follows that Bergh can not implement a first-come-first-serve allocation, let alone determine a winner based on the speed with which competing entities respond.

Bergh can not be used to supply what the other references, as noted in the Office Action, fail to provide. Specifically, Bergh does not teach or suggest assigning a lead to the first recipient among an already-determined plurality of recipients who accesses a link that has been inserted into a received email, as explicitly recited in Claims 1, 11, and 21.

Accordingly, none of the references, alone or in combination, teach or suggest each of the features recited in Claims 1, 11, and 21. Applicant respectfully submits, therefore, that the claims define over the references.

Claims 1-10, 12-20, and 22-24

Each of Claims 1-10, 12-20, and 22-24 depends from Claim 1, 11, or 21 while recited additional features. Therefore, Applicant further respectfully submits that the remaining claims likewise define over the references.

With respect to Claims 4 and 14, moreover, Applicant respectfully submits that the claims must be viewed as a whole rather than piecemeal as individual elements. Applicant recites an algorithm for ranking recipients, each of whom can compete to win a lead by being first to access a link inserted a received email. Therefore, Applicants respectfully traverse the Official Notice mentioned in connection with the assignment of employee tasks and request evidence that this particular feature is well-known in the art.

Additionally, with respect to Claims 5 and 15, Applicant respectfully traverses the Official Notice and requests evidence of that there are in fact well-known algorithms, specifically ones that are capable of ranking such recipients in the context recited based on any one of the following: a location of the recipient in relation to the potential customer; a product mix sold by the recipient; a number of leads the recipient has received previously; a diligence of the recipient; a percentage of previous leads that resulted in a sale; a percentage of previous sales that included additional items.

With respect to Claims 6 and 16, Applicant respectfully traverses the Official Notice and requests evidence that it is well known to generate a link that to be conveyed

within an email that encompasses or is compatible with the assigning, generating, manipulating aspects recited or that such includes adding a trigger.

Applicant respectfully traverses the Official Notice with respect to Claims 9 and 19. Applicant notes that while alphanumeric characters and random number generation may be known, the specific mechanism whereby a secret code is generated to include at least one number and a unique identification is manipulated specifically by a multiplication process as recited in the claims is not.

With respect to claims 10 and 20, Applicant respectfully traverses the Official Notice and requests evidence that the reversing step, as explicitly recited in the context of the other claimed features, is well known. Applicant, moreover, respectfully traverses the Official Notice asserting that it is commonly known, more particularly, to manipulate unique identifiers with a secret code in such a step.

CONCLUSION

Applicant believes that this application is now in full condition for allowance, which action is respectfully requested. Applicant requests that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

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